

SECTION III—REMARKS

This amendment is submitted in response to the Office Action mailed 24 June 2009. No claims are amended and claims 33-35 and 37-42 remain pending in the application. Applicants respectfully request reconsideration of the application and allowance of all pending claims in view of the above amendments and the following remarks.

Allowable Subject Matter

The Examiner objected to claims 35, 37-39 and 41 for being dependent upon a rejected base claim, but indicated that the claims would be allowable if re-written in independent form to include all the limitations of the base claim and any intervening claim.

The Examiner's sole ground of rejection of the base claim is an obviousness-type double patenting rejection. Applicants have submitted herewith a terminal disclaimer that overcomes the double patenting rejection of the base claim, making claims 35, 37-39 and 41 allowable without re-writing them in independent form. Applicants therefore respectfully request withdrawal of the objections.

Double Patenting Rejection

The Examiner rejected claims 33, 34, 40 and 42 under the judicially-created doctrine of obviousness-type double patenting. According to the Examiner claims 33, 34, 40 and 42 of the present application are unpatentable over claims 1, 4, 9 and 10 of U.S. Patent No. 6,981,543.

Applicants have submitted herewith a terminal disclaimer over U.S. Patent No. 6,981,543 in compliance with 37 C.F.R. § 1.321(c). Applicants respectfully submit that

the enclosed terminal disclaimer overcomes the Examiner's rejections, and respectfully requests withdrawal of the rejection and allowance of the claims.

Conclusion

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 292-8600.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 21 August 2009

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Enclosures: Terminal Disclaimer